



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from January 13, 2005

Members Present: Gary Ralls, Robb Kydd, Chris Mechalides, Cheryl Bradley, Jim Barrett.

1st Hearing:

Continued hearing – **Garmon, 20 Upton Drive,**

Received letter from George C. Malonis, Esquire dated January 12, 2005 requesting to continue this hearing to Feb. 10, 2005 at 6:30 PM. The reason for this delay was that two members of the ZBA couldn't make this meeting.

Motion by Chris Mechalides to continue hearing to Feb. 10, 2005 at 6:30 PM. Seconded by Kydd. Vote 5-0. Unanimous.

2nd Hearing: **William Harvey, 6 Louis Ave.**, request for variance on the rear yard set back and special permit for height for 2nd level for the construction of a new house. The existing house and garage to be razed. R-1 Zone, section 2.12.00, 2.12.50, 2.15.22, 2.15.24.

Legal notice read. Advertised in the Lowell Sun on December 30, 2004 & January 6, 2005. No challenges to the legal notice or abutter notification.

Motion to waive the reading of the abutter list by Kydd. Seconded by Mechalides. Vote 5-0

Application presented by William Harvey and Atty. Harrington, Jr. The existing house and garage was constructed in the 1950's. They want to raze the structures and construct a new house. Applicant passed out house plans and letters from approx. 14 abutters who signed in support of this application. Atty. Harrington shown pictures of the other houses in the neighborhood with two levels.

Members question the height of the house- not to exceed 28 feet.
No business will be done at this location.

Motion to close the public portion of the hearing by Kydd. Seconded by Mechalides. Vote 5-0. Discussed the maximum height is 28 feet. Discussion that the existing house and garage would have to be razed before occupancy is issued.

Motion by Kydd to approved variance for rear yard set back by Jim Barrett. Seconded by Kydd. Vote 5-0. Approved.

Motion by Kydd to approve Special Permit- Conditions are: Height for the 2nd level-not to exceed the 28 feet restriction, all existing structures are to be razed before occupancy permit is issued, this residence is to remain a single family dwelling, no apartments allowed. Seconded by Mechalides. Vote 5-0. Approved

3rd Hearing: Continued hearing from Tyngsborough Partners/Wynbrook.

Tyngsborough Partners, LLC request a Comprehensive Permit to develop 100 single-family dwellings, age restricted at 55 + Also, for the construction of a senior center. Site is located at 169 Westford Rd., Assessors Map 15, Lot 13, Map 15, parcel 8. the applicant seeks relief from the following town codes, bylaws, and regulations: Zoning By-laws section 2.11.30, Table of Permitted Uses, Multi-family use in R-1 Zone and B-3 Zones: section 2.12.50 Table of Standard Dimensional Requirements.

Hearing Continued to August 12, 2004, at 6:30 PM

Hearing Scheduled for August 12, 2004 will be continued to September 9, 2004,

Hearing scheduled for Oct. 14, 2004 was postponed to December 9, 2004

December 9, 2004, continued to January 13, 2005 on or about 7 PM.

See attached transcribe minutes done by Tyngsborough Partners and forward to the missing members tonight (Farrell and Cloutier).

Motion to close the public portion of the hearing by Kydd. Seconded by Mechalides. Vote 5-0.

Workshop will be Feb. 1, 2005 at 6:30 PM.

The Board members will be voting on this project at this workshop

Meeting adjourn.

7:50 PM